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RULES SUPPLEMENT TO PART-I
OF

THE ANDHRA PRADESH GAZETTE PUBLISHED BY AUTHORITY

No. 6]

HYDERABAD, THURSDAY, MARCH 19, 2009.

NOTIFICATIONS BY GOVERNMENT

—X—

TRANSPORT, ROADS & BUILDINGS DEPARTMENT

(R.I)

IMPLEMENTATION OF TOLL POLICY

*[G.O. Ms. No. 74, Transport, Roads & Buildings (R.I)
21st February, 2009.]*

Read :-

From C.E. (R&B) & M.D., APRDC, Lr.No. 5108/GM/DCEI/DEEIV/AEE/Toll Policy/2008, Dated: 11-02-2008.

In the Circumstances reported by the Chief Engineer (R&B) & M.D., APRDC in his letter read above and as per the recommendations of the APRDC Governing Body meeting held on 05-01-2008, Government after careful consideration of the matter hereby order to implement the Toll Policy (Annexed to this Order) i.e. "The Andhra Pradesh State Roads (Collection of Fees From any person for the use of section of State Roads/permanent bridge/temporary bridge on A.P.State Roads) Rules, 2007".

[89]

RS P-I/19-3-2009/1

2. The Chief Engineer (R&B) CRN & Managing Director, APRDC shall take action accordingly.

3. This orders issues with the concurrence of Fin. Dept. vide their U.O.No.21104/1013/A2/Expr. PW/08, Dated:25-07-2008.

THE ANDHRA PRADESH STATE ROADS (COLLECTION OF FEES FROM ANY PERSON FOR THE USE OF SECTION OF STATE ROADS/ PERMANENT BRIDGE/TEMPORARY BRIDGE ON A.P. STATE ROADS) RULES, 2007.

In exercise of the powers conferred by section 79 read with sub section (uu) of section 2 of the Andhra Pradesh Infrastructure Development Enabling Act. 2001 (hereinafter referred to as the “Act” and all other powers enabling him in this behalf, the Governor of Andhra Pradesh is hereby make the following rules for collection of Fee from any person for the use of section of Andhra Pradesh State Roads/Permanent Bridge/Temporary Bridge on State Roads by the concessionaire namely:-

1. Short title and commencement:

1.1 These Rules are called the Andhra Pradesh State Roads (Collection of Fees from any person for the use of section of A.P. State Roads/Permanent Bridge/Temporary Bridge on A.P. State Roads by the Concessionaire)Rules, 2007.

1.2 These Rules shall come into force on the date of their publication in the Official Gazette by Government of Andhra Pradesh and shall apply to all concessions granted by the State Government after such date.

2. Definitions :

2.1 In these Rules unless the context otherwise requires,

(a). “Bridge” means a Bridge with permanent structure the cost of which includes the cost of Bridge proper, approach roads, guide bunds and protective works excluding the cost of Toll Booths which is constructed, operated and maintained under a Concession Agreement.

(b). “Road Section” means continuous length of any A.P. State Road or State Road By pass which is constructed operated and maintained under concession agreement.

(c). “By-pass”means and includes part of a Road Project constructed mainly under a Concession Agreement.

(d). “Mechanical Vehicle” means any laden or unladen vehicle designed to be driven under its own power, including a motor vehicle as defined in clause (28) of section 2 of the Motor Vehicle Act, 1988 (59 of 1988.

(e). “Concession Agreement” means an agreement entered into between the Government and any person or persons (to investigate, Study, Design, Engineer, procure, Finance, Construct, Operate and maintain the project/project/ facilities) of a project Road, Bypass Elevated roads, Bridge or ROB/ RL.

(f). “Concessionaire” means a person or firm and includes its successors and permitted assignees.

(g). “Government” means the Government of Andhra Pradesh.

(h). “Local Ordinary Traffic” means vehicles used for commercial purpose and includes personal vehicles of residents of villages/towns/cities on Project highway whose boundary falls within radius of 20 kms of Toll Plaza and such area has no alternate road connecting such village/towns/city for which proof of residency shall be arranged from revenue authority/Mandal Development authority Panchayat Officer not below the rank of Thasildar and also have to arrange Ownership proof of the vehicle.

(i). “Local Commercial Traffic” means vehicles used for commercial purpose and includes local transport operator plying within a distance of 20 kms of Toll plaza. The local transport operators shall be arranged proof for plying within 20 kms i.e., Goods Challan for origin and destination clearly specifying the return details of the vehicle.

(J). “User Fee” means collection of prescribed fee from any person of various categories of mechanical vehicles for the use of Project Road/ Permanent Bridge/Temporary Bridge on A.P State Roads. The User fee is also termed as Toll/Toll fee.

(k). “WPI” means the Wholesale Price Index as published by Ministry of Industry, Government of India or any Index published in substitutions thereof by the Government of India.

3. Agreement, Levy and Collection of User Fee:

User fee shall be levied and paid to the executing agency/Concessionaire on behalf of the Government of Andhra Pradesh by any person of the

mechanical vehicles for the use of A.P. State Roads/Permanent Bridge/Temporary Bridge or both at the rates notified by the Government of Andhra Pradesh in the Official Gazette in respect of such State Road section or Permanent Bridge/Temporary Bridge or both.

3.1 The Government of Andhra Pradesh may enter into an agreement with any person in relation to development and maintenance of the whole or any part of Road section/Permanent Bridge/Temporary Bridge on A.P. State Roads as it may be decided where by the person may be permitted to invest his own funds in part or full for the development maintenance of a section of A.P. State Roads /Permanent Bridge/Temporary Bridge and to collect and return the fees of agreed rates from different categories of mechanical vehicles for an agreed period for the use of the facilities thus created, subject to terms and condition of the agreement and these rules.

3.2 The rates of fees and the period of collection shall be decided and shall be specified by notification in the Official Gazette by Government of Andhra Pradesh having regard to the expenditure involved in building, maintenance, management and operation of the whole or part of such section, interest on the Capital invested, reasonable return, the volume of traffic and be period of such agreement.

3.3 On completion of the period of collection of fees by the person, as per the agreement, all rights pertaining to the Section of Highway/Permanent Bridge/Temporary Bridge on A.P. State Roads shall be deemed to have been taken over by the Government of Andhra Pradesh and that Government shall continue with the collection of fees as notified from time to time.

3.4 The rates of fee the categories of vehicles exempted from payment of fee and the name and address and Telephone Number of the Authority to whom complaints, if any, should be addressed shall be conspicuously and prominently displayed 500m ahead of the Toll booths and at the Toll booths also, so as to ease the drivers to read the display boards.

4. Rates of User Fee:

The Rates of User Fee for services or benefits rendered in relation to use of Section of Highway/Permanent Bridge/Temporary Bridge or both shall be as per Table given below.

4.1 The fee for projects involving conversion into four lanes of existing two-lane of State Highways shall not exceed the capping rates given below at June' 2007 prices namely:

S.No.	Category of Vehicle	Rates as on June'2007 Rs. Per KM, 4-lane Highway.
1	Car/Jeep/Van	0.500
2	LCV/mini Bus	1.000
3	Bus/Truck	2.000
4	Multi Axle Vehicles and Heavy construction vehicles	5.000

4.2 The Government may notify the Fee separately for projects involving Stand alone Bridges as and when required with specific to the Project.

4.3 The rates fixed under sub-rule 4.1 above may be reviewed after every two years based on Whole Sale Price Index and by the Government of Andhra Pradesh over the rates notified.

4.4 The calculated rates for specific length of Project stretch shall be rounded off to nearest rupee.

5. Revision of user fee/Toll:

The base capping rates stated in sub rule 4.1 shall be updated by using the formulae stated below.

New Toll/User fee Rate: base Toll or User fee Rate X Current WPI/Base WPI.

This revision is applicable both for fixing base Toll rates at the start of commercial operations and subsequent revisions once in two years during currency of Concession period of any of the project.

6. Modalities of fee Collection :

6.1 The mode of fee collection shall be decided by the person referred to sub-rule 3.1

6.2 A table of fees authorized to be collected on any Section of A.P State Roads/Permanent Bridge/temporary Bridge on A.P State Roads shall be put up by such person in a conspicuous place near a fee collection booth legibly written or printed in English, Hindi and Telugu.

7. In-charge of fee Collection:

7.1 The person authorized to collect and retain the fee's under these rules shall nominate an Official as In-charge of fee collection and the person as also the official so nominated shall be responsible to ensure that fees are collected at not more than the agreed rates and the fee collected is smooth without causing undue hardship to the road users and for all other matters connected 'with the fee collection of such A.P State Roads/Permanent Bridge/Temporary Bridge on A.P State Roads.

Provided that no fee shall be payable or collected in respect of the following vehicles namely:

The following types of vehicles shall be exempted from the fee specified above in the Schedule, namely: -

(i) vehicles,-

(A) having "VIP" symbols; or Officially belonging to -

- (a) the President of India;
- (b) the Vice President of India;
- (c) the Governor of a State or the Lt. Governor of a Union Territory;
- (d) a Foreign Dignitary on State visit to India;
- (e) a Foreign Diplomat stationed in India using cars with "CD" / "CC" number plates;
- (f) the Chairman of Rajya Sabha or the Speaker of Lok Sabha or the Chairman of a State Legislative Council or the Speaker of a State Legislative Assembly or a Minister for the Union or State, or Leaders of Opposition in Lok Sabha or Rajya Sabha or State Legislatures, having the status of Cabinet Minister, if he is sitting in the vehicle; or (g) The Chief Minister, all the Ministers and Members of Legislative Assembly & Legislative Council of Andhra Pradesh. The nominated/elected dignitaries to various Government bodies of Andhra Pradesh equivalent to the rank of Deputy Minister and above. Members of Parliament belong to Andhra Pradesh.

(B) belonging to winner of a Gallantry award such as Param Vir Chakra, Ashok Chakra, Maha Vir Chakra, Kirti Chakra, Vir Chakra and Shaurya Chakra, if such awardees produces his photo identity card duly authenticated by the Competent Authority for such Award.

(ii) Defence vehicles. Police vehicles, Fire-fighting vehicles, Ambulances, Funeral vans, vehicles of the Department of Posts and Telegraph and Central and State Government vehicles on duty.

(iii). The Vehicles of Two and Three wheelers, Agricultural Tractors shall not be charged.

(iv). The Personnel of Defence services of regular forces and their Private vehicles are exempted from paying Toll irrespective of whether they are on duty or not.

7.2. The rates of fee, the categories of vehicles exempted from payment of fee and the name, address and telephone number of the authority to whom complaints, if any, should be addressed, shall be conspicuously and prominently displayed 500 meters ahead of the toll booths, 100 meters ahead of the toll booths and at the toll booths also. The height of the display boards and size of letters being such that it is easy for drivers to read, the display boards and they shall be legibly written or printed in Telugu, English and Hindi.

7.3. No fee shall be levied and collected from a mechanical vehicle, which is not covered by the said Schedule rates given in the Gazette Notification for concerned Toll Plazas.

7.4 The name, address and telephone number, if any, of the in-charge of a fee collection shall be displayed at suitable, and conspicuous locations near the Toll Plaza.

8. Verification of fee collection:

8.1 It shall be the responsibility of the person referred to in sub-rule 3.1 to strictly ensure that all fees leviable are levied, fully collected and correctly maintained. The person shall submit certified and audited copies of the statements of fee collection of specified intervals as required under the notification for fee collection under sub-rule 3.2 . The auditor shall be appointed by the Government

8.2 The Government of Andhra Pradesh shall have the right to check the fee collection at any or all times through their designated officers.

9. Person to have rights to regulate traffic:

The person referred to in sub-rule 3.1 shall have powers to regulate and control the traffic, on such section of A.P State Roads/Permanent Bridge/Temporary Bridge on A.P State Roads relating to which he is authorized to collect fees under these rules, accordance with the provisions contained in Chapter VIII of the Motor Vehicle Act, 1988 for proper management thereof.

10. Tenure of fee collection:

10.1 The fee shall be collected in perpetuity by the Government of Andhra Pradesh.

10.2 The executing Agency or the Concessionaire will collect the fee to the tenure/period specified in the Concession agreement or upto the restricted period or extended period due to Termination or Capacity augmentation of the Project as the case may be.

10.3 Upon closure of the Concession period, the collection of fee may be continued by the Government or through the Agency appointed by the Government for such purpose.

11. Penalty for Charging Excess Fee:

(1) In case, it is observed and/or established to the satisfaction of the Government that the Concessionaire/executing agency has charged fee in excess of the prescribed rate, the Government have the authority to impose a penalty of Rs. One Lakh or an amount equivalent of one day's fee receivable, which ever is higher and may provide the Concessionaire an opportunity of continuing the Fee Collection. However, in no case, the Government shall afford more than one opportunity to the Concessionaire/executing agency. In such case appropriate action will be taken at the discretion of the Competent Authority. The action taken by the Competent Authority is final.

(2) The Government also, reserves the right to estimate the excess collection of fee made by the Concessionaire/executing agency and recover the same, which will be over and above the penalty imposed and to be recovered from the Concessionaire.

(3) The termination under this clause shall make the Concessionaire/executing agency liable for unconditional forfeiture of the Performance Security.

12. Authorized representative of the Government:

- (1) The Government authorizes the concerned Executive Engineer having jurisdiction over the project highway, bypass, bridge, elevated road or ROB/RUB, as the case may be, to carry out all functions on its behalf under this Contract.
- (2) The said Executive Engineer shall have the overall authority to control and supervise the work of collection of fee carried on by the Concessionaire/executing agency with a view to ensure that collection of fee is carried out smoothly, efficiently and without any hindrance or harassment to the users of A.P State Roads/Permanent Bridge/Temporary Bridge.
- (3) The Concessionaire/executing agency shall keep records of all the complaints received and replied directly or otherwise by it and forward a copy on fortnightly basis to the Executive Engineer.

13. Concessions:

- (1) When the same mechanical vehicle has to cross the said stretch of the A.P. State Roads/Permanent Bridge/Temporary Bridge more than once in a day, the user shall have the option to pay the fee for the multiple trips at the rates one and half times the single trip rate as given in Schedule above while crossing the Toll Plaza in first trip itself or if the same mechanical vehicle has to use the said stretch frequently for the entire month, the vehicle owner may obtain a monthly pass on the payment of charges equivalent to 30 single rates applicable to it, as specified in the aforesaid Schedule.
- (2) For the purpose of this notification "day" shall be counted as a continuous period of twenty - four hours.
- (3). With a view to providing consolidated instructions on the matter of concession in user fee to local residents, following instructions are issued for implementation with immediate effect in respect of Highway sections/ Permanent Bridges/Temporary Bridges,

(a). Car/Jeep/Van:

- (i) Local Area Monthly Passes at the monthly rate of Rs. 150/- (Rupees One Hundred and Fifty only) for the residents of villages/towns/cities falling within a radius of 20 kms from the fee collection booths may be issued for their commercial car/jeep/van on production of residence proof and the ownership proof of the vehicle for which the pass is being issued.

(b). LCV/Truck:

(i) Concessional fee shall be charged from the local Transport Operators on production of proof for plying within 20 kms i.e.. Goods challan for Origin and Destination clearly specifying the return details of the vehicle. The fee for such transport will be Rs. 25/- for Trucks for each entry and Rs. 15/- for Light Commercial Vehicles for each entry.

(c) Further (i).T'ie cars of othsr than commercial purpose shall be fully exempted, (ii). All other Vehicles carrying Agriculture produce are fully exempted, if such vehicles/ transport not involved in commercial operations. As an example, if the farmer carries agriculture produce from field to home or trade centre through a vehicle, it will not come under commercial purpose. If the agriculture produce carried by a trader after purchase from the farmer, it comes under commercial operations and these will be charged as per the normal rates as applicable.

(iii) The School Buses are fully exempted,

(iv) Two wheelers and Three wheelers are fully exempted.

(4) Further details about eligible users in above categories are given at Schedule 'A'.

(5) A general ins:ruction for facilitating implementation is enclosed at Schedule 'B'.

(6) The rates applicable for Concessions under these rules shall be increased by 10% for each subsequent year.

14. Additional fee for overloaded vehicles

Without prejudice to the liability incurred under the Applicable Laws by any person driving a vehicle that is loaded in excess of the permissible limit set forth in. such laws, the Concessionaire may, in its discretion, recover an additional fee (the "**Additional Fee**") in lieu of the deterioration that may have been caused to the Project Highway by such use. The Additional Fee shall not exceed:

(a) 50% (fifty percent) of the Fee if the overloading of such vehicle exceeds 10% (ten per cent) of the permissible load but is not greater than 20% (twenty per cent) thereof; and

(b) 100% (one hundred per cent) of the Fee if such overloading exceeds 20% (twenty per cent) of the permissible load:

The above penalties would be in addition to the penal action under the applicable laws.

Provided that the Additional Fee shall be levied on the basis of actual Gross Vehicle Weight as measured by a standardised static weighing machine to be installed by the Concessionaire at [each of] the Toll Plaza[s]:

Provided further that determination and collection of Additional Fee shall be regulated and enforced entirely at the risk and cost of the Concessionaire and it shall have no claim against the Government in the event of its inability or failure to collect such Additional Fee in full or part for any reason whatsoever or any matter relating thereto.

15. Additional charge for evasion of Fee

In the event that any vehicle uses the Project Highway without payment of Fee due, the Concessionaire shall, subject to Applicable Law and Applicable Permits, be entitled to determine and collect from such vehicle the Fee due and an equivalent amount towards predetermined liquidated damages for attempt to make unauthorized use of the Project Highway; provided that the determination and collection of such Fee and liquidated damages shall be at the risk and cost of the Concessionaire and the Government shall not in any manner be liable on account thereof;

Schedule- A

Monthly Local Area Pass Scheme (MLAPS)

Type of Vehicle	Fare	Eligibility	Documentary Requirement
Car / Jeep /Van	Rs. 150/- per month. for 0 to 20 Km from fee collection booth.	(a) Residents of villages/towns/ cities whose boundary falls within 20 Kms of the fee collection booth	(1) Residence proof (either of Ration Card, Passport, Voter ID Card, Photo credit / Debit card credit / Debit card if with address, Driving license, Electricity Bill,

		Telephone Bill, PAN, Certificate of residence from an officer of State Government not below the rank of Tahsildar or equivalent) and (2) Ownership proof of the vehicles in the name of applicant - registration certificate only - reflecting the same address.
Trucks	Rs. 25 /-per crossing for 0 to 20 Km from fee collection booth	(b) Establishment/ Industrial unit located within 20 Kms of the fee collection booth. (1) Proof location of Establishment/Industrial unit falling within 20 kms of the fee collection booth, and (2) Ownership proof of the vehicle in the name of Establishment/ Industrial unit- registration certificate only-reflection the same address.
	(c) Employees of Establishment / Industrial units located or who have their office, within 20 Kms of the fee collection booth	(1) Copy of appointment letter or a certificate of employment issued by the employer mentioning residential address as per office record and (2) Proof of location of employer's establishment /

	Industrial unit falling within 20 Kms of the location of fee collection booths and
	(3) Ownership proof of the vehicle in the name of the applicant, registration certificate only.
(d) Self employed persons/ business- men	(1) Proof of location of his establishment/ Industrial unit falling within 20 Kms of the fee collection booth and
	(2) Proof of his direct association (e.g. income tax return, partnership deed, annual return filed with the registrar of companies etc.) with the establishment /
	Industrial unit as proprietor / partner director or proof of ownership of the location or rent receipt for the location and
	(3) Ownership proof of the vehicle in the name of applicant registration certificate only.

SCHEDULE-B
GENERAL INSTRUCTIONS

1. All residents of the villages/towns/cities falling within 20 Kms shall be entitled for the concessional passes if the nearest boundary of the village/town/city is not more than 20 Km away from fee collection booths.
2. Concessional passes shall also be available to such establishments/industrial units and road users working in such establishments/industrial units which are located within industrial area promoted by Government of Andhra Pradesh if the nearest boundary of such industrial area is not more than 20 Km away from fee collection booth.
3. Value of all passes shall be rounded off to nearest multiple of rupees five.
4. Concessional passes shall be available irrespective of the fact whether the vehicle is being used for commercial or personal purposes.
5. Each concessional pass shall be issued for a single vehicle only, clearly specifying the registration number of the vehicle (and not for any fleet), name and address of the applicant.
6. Passes shall be issued only for a calendar month except in case of first pass which can be issued any time during the month but ending on the last day of the calendar month on payment of proportionate fee for actual number of days based on monthly value of the pass divided by 30 and rounded off to nearest multiple of Rs. 5, e.g. a monthly pass of Rs. 1000, shall be available to a user from 15th of the month till the last day of the month (e.g. 31), i.e. for 17 days for Rs. 550 ($=1000 * 17/31$, rounded off to nearest multiple of Rs.5). This can facilitate introduction of colour scheme in the passes, i.e. different colour for each month, to ensure free flow.
7. Concessional passes shall be issued on all working days of the month.
8. Any proof of residence out of Ration card, Passport, Voter ID card, Photocredit/debit card if with address, Driving license, Electricity Bill, Telephone bill, PAN, shall be acceptable only if the same contains the name of the applicant specifically.

9. In case of any doubt about eligibility of the applicant, concerned Executive Engineer of Government of Andhra Pradesh having jurisdiction over the area of the location of Toll Plaza/fee collecting agency may carry such further checks considered necessary.
10. If it is established that an applicant has applied for a concessional pass (based on false information, he shall be denied the pass in his name or for the vehicle continued to be owned by him, for a period, of one year.
11. In case of any apparent gross misuse of the facility by non-eligible categories, the concerned Executive Engineer is entitled to suspend the part of the scheme.

Dr. T. CHATTERJEE,
Principal Secretary to Government.